Senate OKs Dmitrich's Mining-Reclamation Changes

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A bill that exempts some clay-mining operations from state reclamation regulations has passed from the Senate to the House.

Meanwhile, a Carbon County man whose run-in with state mining officials instigated the legislation acknowledged Wednesday to the Utah Board of Oil, Gas and Mining that he had violated reclamation laws, but maintained it was an honest mistake.

Harold Marston agreed that a $3,700 bond would be posted to guarantee restoration of an area from which clay was removed to provide lining for a large landfill in East Carbon City. The board seemed inclined to accept his pledge, but withheld action Wednesday because of issues involving the bond.

Mr. Marston, vice president of operations at the East Carbon landfill, ran afoul of state officials when his clay-mining operation exceeded 5 acres.

Operations larger than that currently must file a reclamation plan and post a bond to ensure the work is done. When Mr. Marston failed to submit either, he was brought before the board.

Mr. Marston's attorney told the board Wednesday that misunderstandings between his client and a subcontractor were responsible for the mine's excessive size and the failure to submit the proper documents. He guaranteed reclamation work would be completed to the division's satisfaction.

Prior to the hearing, Mr. Marston persuaded Sen. Mike Dmitrich, D-Price, to submit legislation exempting clay mines from state reclamation laws. The bill passed the Senate 25-3 on Tuesday, and Sen. Dmitrich predicted easy House passage.

He said the measure was designed to reduce government "overregulation," adding that an amendment specifying types of exempt clay helped win Senate support.

Sen. Robert Steiner, D-Salt Lake City, voted against the bill because he said unreclaimed clay sites would become garbage pits and sites of environmental damage.

The Division of Oil, Gas and Mining and the Utah Brick Industry also oppose the bill.